



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,407	06/21/2001	Giovanni Gianola	210201US2	3936

22850 7590 01/30/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PESIN, BORIS M

ART UNIT PAPER NUMBER

2174

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,407

Applicant(s)

GIANOLA, GIOVANNI

Examiner

Boris Pesin

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Drawings

1. The drawings are objected to because all of the boxes in figures 1 and 2 are left blank. The applicant must label each box accordingly (i.e. box labeled 10 should have an accompanying label "CPU" and not just the label "10"). Further, the flowchart in Figure 2, should have arrows indicating the direction of the flow between the boxes. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The use of the trademark "QUICKTIME VR produced by Apple or IPIX" (Page 10, Line 19) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

3. Claims 8-12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only (i.e. instead of "7 and 4" it can be "7 or 4"), and/or cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 8-12 have not been further treated on the merits.

4. Claim 5 is objected to because of the following informalities:

The reference to Figures (23. 24) on Page 21, Line 26 seems to have a typo.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 4, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, 3, 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney (US 6381583) in view of Ferreira (US PG Pub 20010034661).

6. In regards to claim 1, Kenney teaches the method for storing information and data regarding products and services (i.e. "a central computer data base to store the digital signals", Column 2, Line 16). Kenney further teaches the method for reception of at least one request to the dealers on the part of at least one customer, and the request comprising requests for information on the products or services and on the modalities of the transaction (i.e. "...each of the shelf labels is a hot spot which causes a product information window to be displayed when the cursor is placed on the shelf label hotspot and clicked on" Column 10, Line 21, "Once a list has been created for the products to be purchased, the products can be ordered electronically through the Internet system with instructions for delivery by the store or for pickup by the shopper going to the store. Payment provisions (preferably secure ones) can also be included in the system." Column 11, Line 5). Kenney does not teach the method for connection between stores and at least one virtual representation of their environments and location. Ferreira teaches that, "Images of city blocks may include virtual storefronts. The virtual storefronts may correspond to actual stores in the real world...upon selection of a storefront, the user may be directed to a virtual representation of the interior of the store in which the user may navigate and view actual items for sale as though he or she were in a real store." (Page 1, Paragraph [0015]). It would have been obvious to one of

ordinary skill in the art at the time of the invention to modify Kenney with the teachings of Ferreira to include a connection between stores and a virtual representation of the environment and location with the motivation to provide for a realistic shopping experience. (Page 1, Paragraph [0004]).

7. In regards to claim 2, Kenney and Ferreira teach all the limitations of claim 1. Further Kenney teaches the method for obtaining information on products and services(i.e. "...each of the shelf labels is a hot spot which causes a product information window to be displayed when the cursor is placed on the shelf label hotspot and clicked on" Column 10, Line 21), and the transmission of web-type menu pages(i.e. home page, Column 9, Line 9) to said customer terminals from which said requests arrive. Kenney does not teach the creation of one or more web pages for 360-degree panoramic and immersive display of the internal environment and of the premises of said stores. Ferreira teaches, "The user may be given the ability to navigate around the virtual store image (e.g., using panning, zooming, and rotating features) using, for example, either regular mode or full mode."

8. In regards to claim 3, Kenney and Ferreira teach all the limitations of claim 1. Further Kenney teaches that the screens of said customer terminals display the internal environments of said stores in one or more pre-set locations, in such a way as to enable said customers to access the inside of the least one desired store (i.e. the display can show entry through the front door of the store, selection of a shopping cart, and movement to a conventional starting point, Column 9, Line 17), in order to choose the products or services (i.e. products can be selected, Column 10, Line 54), examine them

from various points of view (i.e. close-up views, Column 10, Line 17), check their physical and technical characteristics (i.e. product information window, Column 10, Line 22) and then have access to procedures for managing the order for the products and services (i.e. Once a list has been created for the products to be purchased, the products can be ordered electronically through the Internet system with instructions for delivery by the store or for pickup by the shopper going to the store. Payment provisions (preferably secure ones) can also be included in the system." Column 11, Line 5).

9. In regards to claim 4, Kenney and Ferreira teach all the limitations of claim 3. Further Kenney teaches a method that further comprises the steps of initial choice of a location for virtual navigation (i.e. programming can be used to allow the customer to start at any selected point within the environment of the shopping facility, Column 9, Line 20), a choice of at least one shop, store, commercial center, hotel(i.e. the address of the home page is entered, Column 8, Line 67), or the like, in which to make purchases, a visit inside a chosen store(i.e. travel through the store, Column 9, Line 17), with the possibility of moving around from one part to another of the establishment (i.e. travels down the aisle, Column 9, Line 63), a choice of at least one product or service (i.e. products can be selected, Column 10, Line 54), and gathering together products or services inside a virtual shopping cart (i.e. moving the displayed representation of the selected product into the represented shopping cart, Column 7, Line 15) and carrying them into a given area of the store (i.e. cash register is located and where the shopper would collect selected clothing items, Column 7, Line 22). Kenney does not teach a

method for having an immersive and 360-degre panoramic view of the environments.

Ferreira teaches, "The user may be given the ability to navigate around the virtual store image (e.g., using panning, zooming, and rotating features) using, for example, either regular mode or full mode."

10. In regards to claim 7, Kenney and Ferreira teach all the limitations of claim 1. Since their invention deals with computers, it is inherent that the following items are present: at least one central processing unit, at least one interface for connecting up to the network, at least one pointer device or a mouse, a keyboard, a display screen for displaying web pages, a RAM memory, and a drive of the hard disk of said computer terminal.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney (US 6381583) and Ferreira (US PG Pub 20010034661) in view of Aho et al. (US 6256043).

11. In regards to claim 5, Kenney and Ferreira teach all the limitations of claim 4. Kenney and Ferreira further teach a step of activation of at least one chat line or audio/videoconferencing by the customer with other customers visiting the premises in order to exchange opinions and impressions on the products or services and on their technical and commercial characteristics (i.e. "... bulletin board messaging may be added. Users may post messages or chat about certain topics or may post messages and chat to each other...", Ferreira, Page 8, Paragraph [0092]). Kenney and Ferreira do not teach the method of chat communication with at least one dealer, receptionist or

employer of the store in order to obtain further technical information, carry out negotiations on the terms of the transaction and on the conditions of payment, or discuss the method of delivery of said products or services. Aho teaches that, "...when the proprietor of a virtual store, or his representative, e.g., electronic agent detects the avatar of one or more persons passing the avatar of a store for which such proprietor's store corresponds to the virtual store for such passing persons, a message, such as an advertisement, or other communication ... may be transmitted." (Column 8 Line 13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kenney and Ferreira with the teachings of Aho to include a chatting mechanism with the dealer with the motivation to provide for a feeling of community (Aho, Column 2, Line 54).

12. In regards to claim 6, Kenney, Ferreira, and Aho teach all the limitations of claim 5. Kenney further teaches a step of payment for purchased products or services in a secure, unique and coded way (i.e. "Payment provisions (preferably secure ones) can also be included in the system.", Column 11, Line 9).

Conclusion

The prior art made of record and is considered pertinent to applicant's disclosure.

US006256043B1	Aho et al.
US006381583B1	Kenney
US 20010034661	Ferreira

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday with the exception of every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100